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Press Release

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ATTORNEY GENERAL DARRELL McGRAW ANNOUNCES EXPANSION OF VIOXX CONSUMER REFUND PROGRAM

A group of state Attorneys General from Connecticut, Massachusetts, Michigan, Ohio, Oregon, Texas, and Vermont announced in December of 2004 that pharmaceutical giant Merck had agreed to significantly alter its consumer refund program for unused Vioxx, the popular prescription pain medication that the company withdrew from global markets earlier this year. The improvements to the consumer refund program are applicable to West Virginia residents and provide greater protections for consumers in all 50 states.

On September 30, 2004, Merck agreed to immediately withdraw Vioxx from the market because of reports that the drug substantially increased some users' risks of heart attacks and strokes. At that time, approximately 1.6 million Americans were taking the drug.

After Merck announced it was withdrawing Vioxx from the market, the company created a consumer refund program. The program was designed to reimburse consumers for Vioxx they had on hand at the time of the recall. The program, however, required consumers to return all unused Vioxx to Merck to qualify for a refund.

Several Attorneys General became concerned that Merck's refund program contained too many hurdles for consumers to jump before a consumer could receive reimbursement. The Attorneys General contacted Merck and asserted that the refund program could unfairly exclude consumers who might have immediately destroyed Vioxx either on doctors' orders or because they were worried about keeping an unsafe drug in their medicine cabinets.

As a result of the Attorneys Generals' efforts, Merck has now agreed to significantly alter its consumer refund program for unused Vioxx, effective December 10, 2004. Specifically, Merck has agreed to do the following for former Vioxx users:

Allow consumers who destroyed unused Vioxx to certify in writing that they had unused Vioxx on September 30, 2004, but that they later destroyed the product under doctors' orders or otherwise;

Allow consumers to file claims for a refund by March 31, 2005 (the previous deadline was December 31, 2004);

Upon request, provide consumers who still have Vioxx with prepaid UPS mailers that Merck can arrange to pick up at consumers' homes to avoid the consumer having to take the mailer to a UPS facility or drop box;

Directly contact any consumers whose refund claims were rejected because the consumers did not return the product and inform those consumers they are eligible to make a refund claim without returning the product;

Make a good faith effort to notify consumers about the refund program in future advertisements or print notices about Vioxx;

Have Merck's sales staff contact rheumatologists and primary care doctors who would have prescribed Vioxx and inform them about the modified refund program. The staff will also ask that the doctors then distribute this information to their patients who were taking Vioxx; and

Assist HMOs and pharmacies in mailing out updated refund notices to consumers who purchased Vioxx and who may be eligible for a product refund.

The changes to the consumer refund program do not in any way impact potential claims regarding marketing and promotion of Vioxx.

Vioxx belongs to a sub-group of non steroidal anti-inflammatory drugs called COX-2 inhibitors and was originally approved by the U.S. Food and Drug Administration (FDA) in 1999 to treat arthritis pain, menstrual pain and other severe pain in adults. The FDA subsequently approved Vioxx as a treatment for rheumatoid arthritis for adults and later for use by children. Merck marketed Vioxx as being gentler on the stomach than other pain relief medication.

Consumers seeking a refund for unused Vioxx should contact the Merck Refund Center (National Notification Center) at 1-800-805-9542. Additional refund information can be found at: www.vioxx.com/rofecoxib/vioxx/consumer/patient_refund_inform www.vioxx.com/rofecoxib/vioxx/consumer/patient_refund_information.jsp.

Attorney General Darrell McGraw urges any former Vioxx users who have difficulty filing claims with Merck under the new program to contact his Consumer Hotline at **1-800-368-8808 or 304-558-8986**.

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